

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GUSSIE M. GRIMES,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:07cv924-WC
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

This case is now before the Court on the Plaintiff's *Motion for Attorney Fees* pursuant to the Equal Access to Justice Act (Doc. #23, filed August 18, 2008). Judgment in this case was entered in favor of plaintiff upon remand pursuant to sentence four of 42 U.S.C. § 405(g) (Doc. #22, entered June 6, 2008). *Defendant's Response to Plaintiff's Motion*, (Doc. #25, filed August 28, 2008), agrees to the amount of fees (\$2,365.13) requested for Plaintiff's attorney, and to issuance of the payment to counsel as assignee. Defendant cautions the assignment will not prevent the United States Department of Treasury from applying the EAJA payment to offset any debt owed by Plaintiff in accordance with 31 C.F.R. § 285.5(e)(6)(ii).

Upon review, the Court determines that the Plaintiff's application for an award of attorney fees and costs under EAJA is timely filed, that Plaintiff has met the requisite prevailing party status entitling her to an award of fees, and that the terms of the award agreed upon by the parties are reasonable. The Court further finds that the Defendant has

correctly cited the EAJA text and circuit precedent which limits fee payments to the “prevailing party.”

Accordingly, it is the ORDER, JUDGMENT, and DECREE of this Court that the Plaintiff's application for an award of fees under the Equal Access to Justice Act is GRANTED in the total amount of \$2,365.13 and said payment should be issued directly to Plaintiff's attorney.

DONE this 28th day of August, 2008.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE